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10/691,287

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Brian J. Cragun

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07/17/2008

IBM CORPORATION, INTELLECTUAL PROPERTY LAW
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EXAMINER

PONIKIEWSKI, TOMASZ

ART UNIT

PAPER NUMBER

2165

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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|------------------------------|---------------------------------------|--------------------------------------|--|
| Office Action Summary | Application No. 10/691,287 | Applicant(s) CRAGUN ET AL. | |
| | Examiner Tomasz Ponikiewski | Art Unit 2165 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 April 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2,9,14-20,22 and 32-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9, 14-20, 22-2, and 32-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The Amendment filed on April 8, 2008 has been received and entered. Claims 24, 27 and 30-31 have been cancelled. Claims 9, 17, 14-20, 22-23 and 32-34 are pending.

2. The Applicant's communication overcomes rejections under 112.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 9, 14-20, 22-23, 32-34 are rejected under 35 U.S.C. 102(b) as being anticipated by (Rubin et al. (US 2002/0099552).

As per claim 9 Rubin et al. is directed to a computer implemented method for providing an indication of an annotation to a portion of a first view of data, comprising:

receiving an annotation to a portion of the first view of data, wherein a view of data is any collection of data containing a set of visible query related sub-objects (figure 2, wherein view of data can be any of the documents or pages viewed over time; paragraph 0006, lines 3-11);

storing the annotation to the portion of the first view of data (paragraph 0008, lines 4-6);

providing an interface to allow display of a second view of data (fig. 3; paragraph 0005, lines 5-7, wherein the examiner interprets the “second view of data” as subsequent retrieval of saved information; wherein “to allow” is interpreted to be intended use language (see MPEP 2106 II C) wherein the prior art meets the claim if its capable of performing the intended use),

analyzing the second view of data to identify sub-objects visible in both the second view of data and the annotated portion of the first view of data (paragraph 0087, lines 6-17; paragraph 0088, lines 1-10, wherein when the item is viewed the system checks if the annotations exist in memory); and

providing an indication of the annotation in the interface, only if a predetermined set of sub-objects visible in the second view of data are visible in the annotated portion of the first view of data, wherein providing an indication of the annotation in the interface comprises displaying an icon proximate one or more sub-objects visible in the second view of data that are also visible in the annotated portion of the first view of data (paragraph 0006, lines 11-15; wherein in a subsequent view of data has icons indicating annotations directed to the selected record).

As per claim 14 Rubin et al. is directed to wherein more than one annotation is associated with one or more portions of data in the second view and separate icons for each annotation are displayed (paragraph 0078, lines 1-4).

As per claim 15 Rubin et al. is directed to the method further comprises displaying the annotation in response to a user selecting the icon (paragraph 0086, lines 9-12).

As per claim 16 Rubin et al. is directed to further comprising providing an indication of one or more sub-objects visible in the second view of data that are also visible in the annotated portion of the first view of data (paragraph 0078, lines 1-4).

As per claim 17 Rubin et al. is directed to a computer implemented method of creating and displaying an annotation associated with an annotated portion of a first view of data, comprising:

providing an interface allowing selection of the annotated portion of the first view of data and creation of the annotation, wherein the annotated portion comprises at least two cells visible in the first view of data and wherein a view of data is any collection of data containing a set of visible query-related sub-objects (figure 2, wherein view of data can be any of the documents or pages viewed over time fig. 3; paragraph 0005, lines 5-7, wherein the examiner interprets the “second view of data” as subsequent retrieval of saved information, wherein “allowing” is interpreted to be intended use language (see MPEP 2106 II C) wherein the prior art meets the claim if its capable of performing the intended use);

creating an entry in a link table for each cell in the annotated portion, wherein the entry for each cell contains an indication of the annotations (paragraph 0084, lines 1-6);

creating a record containing the annotation and a link to each cell in the annotated portion (paragraph 0053, paragraph 0084, lines 1-6);

presenting a second view of data (fig. 3; paragraph 0005, lines 5-7, wherein the examiner interprets the “second view of data” as subsequent retrieval of saved information);

analyzing the second view of data to identify cells visible in both the second view of data and the annotated portion of the first view of data (paragraph 0087, lines 6-17; paragraph 0088, lines 1-10, wherein when the item is viewed the system checks if the annotations exist in memory); and

providing an indication of the annotation, only if a predetermined set of cells visible in the second view of data are visible in the referenced portion of the first view of data (paragraph 0006, lines 11-15; wherein in a subsequent view of data has icons indicating annotations directed to the selected record).

As per claim 18 Rubin et al. is directed to wherein the predetermined set of cells comprises at least one of:

all the cells visible in the annotated portion of the first view of data (fig. 3; paragraph 0005, lines 5-7);

a predetermined number of cells visible in the annotated portion of the first view of data (paragraph 0096, wherein the search determines the number of visible cells);

a specified set of cells visible in the annotate portion of the first view of data; and
a predetermined percentage of cells visible in the annotated portion of the first view of data (no art applied since the claim ask for at least one of the limitations).

As per claim 19 Rubin et al. is directed to wherein the predetermined set of cells is specified by a user via the interface allowing selection of the annotated portion of the first view of data and creation of the annotation (paragraph 0096, wherein the search determines the number of visible cells, wherein “allowing” is interpreted to be intended use language (see MPEP 2106 II C) wherein the prior art meets the claim if its capable of performing the intended use).

As per claim 20 Rubin et al. is directed to further comprising providing a mechanism for identifying the predetermined set of cells, wherein the mechanism is accessible by a human user or a software application (paragraph 0095, lines 1-8; paragraph 0096, wherein the search determines the number of visible cells).

As per claim 22 Rubin et al. is directed to wherein the entry for each cell contains an identifier uniquely identifying the record containing the annotation (paragraph 0088, lines 1-10).

As per claim 23 Rubin et al. is directed to wherein analyzing the second view of data to identify cells visible in both the second view of data and the annotated portion of the first view of data comprises:

querying the link table to identify one or more annotations describing views of data containing cells in the second view of data (paragraph 0069);
retrieving annotation records for the one or more identified annotations (paragraph 0069); and

identifying cells visible in both the second view of data and views described by the identified annotations, based on cell links stored in the retrieved annotation records (paragraph 0069).

As per claim 32 Rubin et al. is directed to a computer implemented method for providing an indication of an annotation to a portion of a first view of data, comprising:

receiving an annotation to a portion of the first view of data, wherein a view of data is any collection of data containing a set of visible query related sub-objects (figure 2, wherein view of data can be any of the documents or pages viewed over time; paragraph 0006, lines 3-11);

storing a set of query-related sub-object links for the annotation to the portion of the first view of data (paragraph 0008, lines 4-6; paragraph 0048);

providing an interface to allow display of a second view of data (fig. 3; paragraph 0005, lines 5-7, wherein the examiner interprets the “second view of data” as subsequent retrieval of saved information, wherein “to allow” is interpreted to be

intended use language (see MPEP 2106 II C) wherein the prior art meets the claim if its capable of performing the intended use)

analyzing the second view of data to identify sub-objects visible in both the second view of data and the annotated portion of the first view of data (paragraph 0087, lines 6-17; paragraph 0088, lines 1-10, wherein when the item is viewed the system checks if the annotations exist in memory), comprising:

obtaining the set of query-related sub-object links stored with the annotation (paragraph 0069); and

identifying query-related sub-objects identified by the query-related sub-object links that are visible in the second view of data (paragraph 0069), and

providing an indication of the annotation in the interface, only if a predetermined set of sub-objects visible in the second view of data are visible in the annotated portion of the first view of data (paragraph 0069; paragraph 0096).

As per claim 33 Rubin et al. is directed to wherein analyzing the second view of data to identify sub-objects visible in both the second view of data and the annotated portion of the first view of data further comprises:

obtaining, based on sub-objects visible in the second view of data, an indication of the annotation from a table (paragraph 0069; paragraph 0078, lines 1-6); and

wherein obtaining a set of sub-object links stored with the annotation comprises retrieving a record containing the annotation and the sub-object links using the

indication of the annotation obtained from the table (paragraph 0084, lines 1-5; paragraph 0086, lines 9-14).

As per claim 34 Rubin et al. is directed to a computer implemented method for providing an indication of an annotation to a portion of a first view of data, comprising:

receiving an annotation to a portion of the first view of data, wherein a view of data is any collection of data containing a set of visible query related sub-objects (figure 2, wherein view of data can be any of the documents or pages viewed over time; paragraph 0006, lines 3-11);

storing the annotation to the portion of the first view of data (paragraph 0008, lines 4-6);

providing an interface to allow display of a second view of data (fig. 3; paragraph 0005, lines 5-7, wherein the examiner interprets the “second view of data” as subsequent retrieval of saved information, wherein “to allow” is interpreted to be intended use language (see MPEP 2106 II C) wherein the prior art meets the claim if its capable of performing the intended use);

analyzing the second view of data to identify sub-objects visible in both the second view of data and the annotated portion of the first view of data (paragraph 0087, lines 6-17; paragraph 0088, lines 1-10, wherein when the item is viewed the system checks if the annotations exist in memory); and

providing an indication of the annotation in the interface, only if a predetermined set of sub-objects visible in the second view of data are visible in the annotated portion

of the first view of data, and only if each sub-object visible in the annotated portion of the first view of data is visible in the second view of data (paragraph 0069; paragraph 0096).

Response to Arguments

5. Applicant's arguments filed 4/8/2008 have been fully considered but they are not persuasive.

As to applicant's argument that Rubin et al. does not teach analyzing the second view of data to identify sub-objects visible in both the second view of data and the annotated portion of the first view of data" is not found persuasive.

Rubin et al. teaches that when the annotations are made and stored, then whenever a user views the data that has annotation associated with particular position, that position will be marked with an icon. The reference shows that if a location has had an annotation associated with a word, location or object an icon will indicate its presence. The applicant provides a definition of a view to be "generally referring to any visible (or virtual) collection of data containing a set of visible sub-objects, regardless of the underlying data type". The examiner interprets Rubin et al. to teach a way of recording annotations to a viewed document, the annotation being associated with a selected word, or location or an object (paragraph 0006, lines 9-10). The user may then view the document at any time and playback the annotations which are indicated by an icon. The applicant's definition of a view, as interpreted by the examiner seems to be

very broad. The examiner interprets the definition to mean a presentation of data on screen. As such Rubin et al. reads on the limitation in question.

As to applicant's argument that Rubin et al. does not teach "analyzing a plurality of views of data is not found persuasive.

The examiner could not find a limitation that is directed to analyzing plurality of views of data.

As to applicant's argument that Rubin et al. does not teach analyzing the second view of data and the annotated portion of the first view of data" is not found persuasive.

The examiner believes that the reasoning has been explained above.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tomasz Ponikiewski whose telephone number is (571) 272-1721. The examiner can normally be reached on 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christian Chace can be reached on (571)272-4190. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Tomasz Ponikiewski/
Examiner, Art Unit 2165

/K. L./
Examiner, Art Unit 2167

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